

BILL ANALYSIS

Senate Research Center
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S.J.R. 22
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the governor is not allowed to retain executive authority while outside of the state. Due to technological advances, the governor has the ability to perform his duties effectively and remain accessible while traveling outside Texas.

S.J.R. 22 amends the Texas Constitution to allow the governor to retain executive authority while absent from the state contingent upon, as specified in S.B. 292, his travel being within the contiguous 48 states and his ability to maintain effective communication links with the state.

As proposed, S.J.R. 22 proposes a constitutional amendment to provide that the governor, and the lieutenant governor when acting as governor, retain executive authority unless unavailable as provided by law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 16(c) and (d), Article IV, Texas Constitution, as follows:

(c) Requires the Lieutenant Governor, in the case of the temporary inability or temporary disqualification of the Governor to serve or the impeachment of the Governor, or when the Governor is unavailable as provided by law, rather than when the Governor is absent from the State, to exercise the powers and authority appertaining to the office of Governor until the Governor becomes able or qualified to resume serving, is acquitted, or is available, rather than returns to the state. Provides that, for purposes of this subsection, unless the legislature provides otherwise by statute, the Governor is unavailable if the Governor is absent from the state.

(d) Provides that, if the Governor refuses to serve or becomes permanently unable to serve, or if the office of Governor becomes vacant, the Lieutenant Governor becomes Governor for the remainder of the term being served by the Governor who refused or became permanently unable to serve or vacated the office.

SECTION 2. Amends Section 17(a), Article IV, Texas Constitution, as follows:

(a) Requires the President pro tempore of the Senate, for the time being, to exercise the powers and authority appertaining to the office of Governor until the Governor or Lieutenant Governor reassumes those powers and duties if, while exercising the powers and authority appertaining to the office of Governor under Section 16(c) of this article, the Lieutenant Governor becomes temporarily unable or disqualified to serve, is impeached, or is unavailable as provided by law, rather than is absent from the State. Provides that the Lieutenant Governor is unavailable if the Lieutenant Governor is absent from the state, unless the legislature provides otherwise by statute, for the purposes of this subsection.

SECTION 3. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 5, 2013. Sets forth the required language of the ballot.